

code of federal regulations

Indians

25

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§ 119.2 Purpose.

The regulations in this part are to govern the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma pursuant to the Act.

§ 119.3 Persons eligible to share in payment.

All enrollees shall be eligible to receive a per capita share. The Director shall make forms, applications, and instructions available to all claimants.

§ 119.4 Payment of shares to living enrollees.

(a) Except as provided herein, the Director shall pay the share of a living enrollee directly to him upon receipt of an application filed on the form provided for that purpose by the Director.

(b) The Director shall pay a share or a proportional share payable to a person under legal disability in accordance with such procedures as the Director determines will adequately protect the best interest of such person.

§ 119.5 Shares of deceased enrollees.

(a) The Director is authorized to pay a share due a deceased enrollee or a proportional share due a deceased heir or legatee to his heirs or legatees as determined by the Director from a proof of death and inheritance satisfactory to the Director and dated and filed after the date of the Act.

(b) All determinations of heirs or legatees shall be made by the Director under the laws of succession and testacy of the state of residence of the decedent on the date of his death and the Director's findings and determinations shall be final and conclusive.

(c) The filing of a request within 3 years from the date of the Act, signed by an heir or legatee, for payment of a share due a named deceased enrollee shall be considered as a claim filed for and on behalf of all heirs and legatees and shall be construed to comply with the three-year limitation on the filing of claims imposed by section 3(a) of the Act.

§ 119.6 Payment of shares of minors.

The Director shall pay a share or a proportional share payable to a minor in accordance with procedures as the Director determines will adequately protect the interests of such persons.

§ 119.7 Assignment of shares.

No part of any of the funds which may be distributed shall be subject to any lien, debt, or claim of any nature whatsoever against the Tribe or individual Indians, except delinquent debts owed by the Tribe to the United States, or owed by individual Indians to the Tribe or to the United States.

§ 119.8 Power of attorney.

Powers of attorney will not be recognized, nor will any order given to another person by anyone entitled to share in the payment be honored.

§ 119.9 Shares of deceased heirs.

The Director shall not distribute proportional shares of deceased heirs or legatees amounting to \$10 or less and he shall not pay an inherited share amounting to \$5 or less. The unpaid and undistributed shares shall revert to the Tribe.

§ 119.10 Disposition of unclaimed and unpaid shares.

All per capita shares of living enrollees and proportional shares of deceased enrollees for which a claim has not been filed within 3 years from the date of approval of the Act, as provided by the Act and in § 119.5 shall revert to the Tribe. The Director shall keep accurate records of all monies reverting to the Tribe.

PART 120—REIMBURSEMENT OF THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH

ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

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120.8 Special instruction.

AUTHORITY: Sec. 3, 84 Stat. 843.

SOURCE: 36 FR 4870, Mar. 13, 1971, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

**ADJUDICATION OF CLAIMS OF FORMER
MIXED-BLOOD MEMBERS**

§ 120.1 Definitions.

As used in this part—

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Financial Management Officer" means the Chief of the Division of Financial Management, Post Office Box 127, 500 Gold Avenue SW., Albuquerque, NM 87103.

(d) "Heirs" means those persons entitled to inherit under State law from a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

(e) "Legatee" means those persons entitled to personalty or realty under a valid will of a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

[36 FR 4870, Mar. 13, 1971; 36 FR 6080, Apr. 2, 1971]

§ 120.2 Purpose.

The rules in this part are to govern payment to be made by the Secretary pursuant to section 3 of the Act of September 18, 1970, to those persons whose names appear on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or to their heirs or legatees.

§ 120.3 Eligibility for reimbursement.

Each person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or their heirs or legatees may obtain a copy of the form for Claim for Reimbursement Due as provided by Pub. L. 91-403, approved Sep-

tember 18, 1970, by request directed to the Financial Management Officer, Bureau of Indian Affairs, Post Office Box 127, 500 Gold Avenue SW., Albuquerque, NM 87103. The completed claim must be filed with the Financial Management Officer at the same address not later than September 18, 1973.

§ 120.4 Information required from claimant.

Each Claim for Reimbursement shall contain the following information:

(a) The name and address of the claimant, and if the claimant is a minor or mental incompetent, the name, address, and representative capacity of the person executing the claim on behalf of the minor or mental incompetent.

(b) The roll number if the claimant is an enrollee on the roll of mixed-blood Indians prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

(c) The name and roll number of the deceased enrollee through which a legatee is claiming and the place and date of the deceased enrollee's death. A certified copy of the decree of distribution or other final order of the probate court should be submitted with the Claim for Reimbursement.

(d) The name and roll number of the deceased enrollee through which an heir is claiming, the place and date of the deceased enrollee's death and the relationship of the claimant to the deceased enrollee accompanied by copies of birth or marriage certificates or other evidence proving the relationship.

§ 120.5 Burden of proof.

The burden of proof rests upon the claimant to establish that he or she is entitled to reimbursement as an enrollee, heir, or legatee.

§ 120.6 Appeals.

Any person whose claim for reimbursement is rejected may appeal by filing such appeal in writing with the Financial Management Officer not more than thirty (30) days from receipt of the notice of rejection. The

claimant must submit with his appeal any supporting data not previously furnished. When upon review of the evidence submitted by the appellant, the Financial Management Officer is satisfied that the claimant has established his right for reimbursement, the appellant shall be so notified. In any case where the Financial Management Officer determines the claimant ineligible, the Financial Management Officer shall forward the appeal together with the complete record and his recommendation thereon to the Commissioner for transmittal to the Secretary.

§ 120.7 Action by the Secretary.

The decision by the Secretary on an appeal shall be final and the claimant shall be given written notice of the decision.

§ 120.8 Special Instruction.

To facilitate the work of the Financial Management Officer, the Commissioner may issue special instruction not inconsistent with the rules of this part.

PART 121—DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

- Sec.
- 121.1 Definitions.
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- 121.4 Issuance of Orders of Distribution.
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- 121.6 Distribution of share of deceased allottee.
- 121.7 Notice of orders to claimants and distributees.
- 121.8 Appeal from an Order of Distribution.
- 121.9 Disbursement of distributed shares.
- 121.10 Miscellaneous provisions.

AUTHORITY: 5 U.S.C. 301; 86 Stat. 1295.

SOURCE: 38 FR 9163, Apr. 11, 1973, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 121.1 Definitions.

- (a) "Act" means the act of October 27, 1972 (86 Stat. 1295).
- (b) "Allottee" means a person whose name appears on the roll of the Osage

Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the act of June 28, 1906 (34 Stat. 539).

(c) "Regional Solicitor, Tulsa" means the Regional Solicitor for the Tulsa Region of the Office of the Solicitor, U.S. Department of the Interior, P.O. Box 3156, Tulsa, Oklahoma 74101.

(d) "Distributee" means one to whom a distribution is ordered pursuant to the regulations in this part.

(e) "Secretary" means the Secretary of the Interior or his authorized representative.

(f) "Superintendent" means the Superintendent, Osage Agency, Bureau of Indian Affairs Pawhuska, Oklahoma 74056.

[38 FR 9163, Apr. 11, 1973, as amended at 39 FR 41707, Dec. 2, 1974. Redesignated at 47 FR 13327, Mar. 30, 1982]

§ 121.2 Purpose.

The regulations in this part govern the distribution, pursuant to the act, of judgment funds awarded to the Osage Tribe of Indians of Oklahoma. All funds appropriated by the act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, are to be distributed, except the sum of \$1 million and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution.

§ 121.3 Notice of time limit and place for filing claims.

The act provides for distribution of funds to allottees and heirs of Osage Indian blood of deceased allottees.

(a) All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056, not later than April 27, 1974. An individual who claims as an heir of Osage Indian blood should make a timely filing of a claim which identifies, by name and allotment number, each allottee in whose share the individual claims an